

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID C. GANNON,

Plaintiff,

vs.

JOHN E. POTTER, Postmaster
General, U.S. Postal Service

Defendant.

No. C 05-2299 SBA

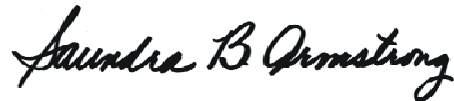
ORDER

This matter comes before the Court on Defendant's Motion for Summary Judgment. The Court has thoroughly reviewed the papers and listened to the parties' oral arguments as presented at the November 14, 2006 hearing. The Court concludes that it would benefit from supplemental briefing. In reviewing the parties' arguments, it is unclear whether the MSPB entered a final decision regarding Plaintiff's Race Discrimination Claim, and whether Plaintiff is pursuing his Title VII claim for Race Discrimination as an appeal of that decision, the EEOC final decision regarding Plaintiff's Race Discrimination Claim, the MSPB employment action decision and/or whether the doctrine of collateral estoppel bars Plaintiff from re-litigating the issue of the voluntariness of his demotion.

IT IS HEREBY ORDERED THAT Plaintiff shall file and serve a supplemental brief clarifying whether the MSPB entered a final decision regarding Plaintiff's Race Discrimination Claim, and whether Plaintiff is pursuing his Title VII claim for Race Discrimination as an appeal of that decision, the EEOC final decision regarding Plaintiff's Race Discrimination Claim, the MSPB employment action decision and/or whether the doctrine of collateral estoppel bars Plaintiff from re-litigating the issue of the voluntariness of his demotion.

1 Plaintiff's supplemental brief is due no later than November 17, 2006. Defendant shall file
2 his Opposition no later than November 21, 2006. Each brief shall not exceed ten (10) pages. After
3 the supplemental briefs are filed, the Court will consider this matter fully submitted on the papers.
4 Should the Court later determine that oral argument is necessary, the matter will be placed back on
5 calendar.

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7 IT IS SO ORDERED.



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10 Dated: 11/15/06

SAUNDRA BROWN ARMSTRONG
United States District Judge